

IC 34-45-4

Chapter 4. Impeachment of Witnesses

IC 34-45-4-1

Impeachment by evidence of bad character

Sec. 1. (a) Except as provided in subsections (b) and (c), the party producing a witness shall not be allowed to impeach the credibility of the witness by evidence of bad character.

(b) The party producing a witness may impeach the credibility of the witness by evidence of bad character if:

- (1) it was indispensable that the party produce the witness; or
- (2) it is a case of manifest surprise.

(c) In all cases, the party producing the witness may contradict the witness:

- (1) by other evidence; and
- (2) by showing that the witness has made statements different from the present testimony of the witness.

As added by P.L.1-1998, SEC.41.

IC 34-45-4-2

Cross-examination; foundation

Sec. 2. (a) This section applies when a witness, whether a party to the record or not:

- (1) is cross-examined to lay the foundation for impeachment of the witness by proof of an act or statement inconsistent with the testimony of the witness;
- (2) is asked if the witness did not do the act or make the statement; and
- (3) answers that the witness does not recollect having done the act or made the statement.

(b) The party laying the foundation for impeachment has the right to introduce evidence of the act or statement in the same manner as if the witness had answered that the witness had not done the act or made the statement.

As added by P.L.1-1998, SEC.41.